

HOUSE BILL NO. HB0250

Public health statutory amendments.

Sponsored by: Representative(s) Wilson, Clem and Steinmetz
and Senator(s) Meier

A BILL

for

1 AN ACT relating to public health; amending enforcement and
2 penalties for violation of public health laws; amending a
3 felony offense related to sale of organs or body parts;
4 amending requirements for obtaining blood samples from
5 pregnant women; amending abortion reporting; creating a
6 criminal offense for false reporting on an abortion form;
7 repealing penalties; conforming provisions; and providing
8 for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 35-1-105(b), 35-1-220, 35-1-431(a),
13 35-4-502, 35-5-215, 35-6-107(a) by creating a new paragraph
14 (vii) and by creating a new subsection (c) and 35-6-108 are
15 amended to read:

1

2 **35-1-105. Prohibited acts; penalty for violations.**

3

4 (b) Except when an individual statute, notice, order,
5 rule or regulation provides a different penalty for any of
6 the offenses prohibited in subsection (a) of this section,
7 upon conviction of any of the offenses prohibited in
8 subsection (a) of this section, the violator shall be fined
9 not to exceed ~~one hundred dollars (\$100.00)~~ five hundred
10 dollars (\$500.00) or imprisonment not to exceed six (6)
11 months, or both, and shall be liable for all expense
12 incurred by health authorities in removing the nuisance,
13 source of filth or cause of sickness. No conviction under
14 the penalty provisions of this act or of any other public
15 health laws shall relieve any person from an action in
16 damages for injury resulting from violation of public
17 health laws.

18

19 **35-1-220. Legal advisers; provisions as to**
20 **enforcement.**

21

22 The attorney general of Wyoming shall be legal adviser for
23 the department of health and shall defend it in all action

1 and proceedings brought against it. The district attorney
2 for the county in which a cause of action may arise, shall
3 bring any action requested by the department to abate a
4 condition which exists in violation of, or to restrain or
5 enforce any action which is in violation of, or to
6 prosecute for the violation of, or for the enforcement of,
7 the public health laws of Wyoming. If ~~he~~the district
8 attorney fails to so act, the department may bring any such
9 action and shall be represented by the attorney general or
10 by special counsel. Unless a specific chapter in title 35
11 provides for enforcement by a different person, the
12 authority and enforcement afforded to the attorney general,
13 district attorney, department of health and special counsel
14 under this article applies throughout title 35.

15
16 **35-1-431. Penalties for false reporting of birth,**
17 **death, stillbirth, marriage or divorce.**

18
19 (a) Any person who willfully and knowingly: (i) makes
20 any false statement in a report, record, or certificate
21 required to be filed under this act, or in an application
22 for an amendment thereof, or supplies false information
23 intending that such information be used in the preparation

1 of any such report, record, or certificate, or amendment
2 thereof; or (ii) without lawful authority and with the
3 intent to deceive, makes, alters, amends, or mutilates any
4 report, record, or certificate required to be filed under
5 this act or a certified copy of such report, record, or
6 certificate; or (iii) uses or attempts to use, or furnish
7 to another for use, for any purpose of deception, any
8 certificate, record, report or certified copy thereof so
9 made, altered, amended, or mutilated; or (iv) with the
10 intention to deceive uses or attempts to use any
11 certificate of birth or certified copy of a record of birth
12 knowing that such certificate or certified copy was issued
13 upon a record which is false in whole or in part or which
14 relates to the birth of another person; or (v) furnishes a
15 certificate of birth or certified copy of a record of birth
16 with the intention that it be used by a person other than
17 the person to whom the record of birth relates; shall be
18 punished by a fine of not more than ~~one hundred dollars~~
19 ~~(\$100.00)~~ or five hundred dollars (\$500.00), imprisoned not
20 more than six (6) months, or both.

21

22 **35-4-502. Duty of attending health care provider.**

23

1 Every physician, ~~licensed to practice medicine attending~~
2 advance practice nurse or other person permitted by law to
3 attend a pregnant woman in the state for conditions
4 relating to her pregnancy during the period of gestation or
5 at delivery shall take, or cause to be taken, a sample of
6 blood of such woman at the time of her first professional
7 visit or within ten (10) days thereafter. The blood
8 specimen thus obtained shall be submitted to an approved
9 laboratory for a standard serological test for syphilis.
10 ~~Every other person permitted by law to attend pregnant~~
11 ~~women in the state but not permitted by law to take blood~~
12 ~~samples, shall cause a sample of blood of such pregnant~~
13 ~~women to be taken by a physician duly licensed to practice~~
14 ~~medicine and have such sample submitted to an approved~~
15 ~~laboratory for a standard serological test for syphilis.~~

16

17 **35-5-215. Sale or purchase of organs prohibited;**
18 **exceptions.**

19

20 (a) Except as otherwise provided in subsection (b) of
21 this section, a person who for valuable consideration,
22 knowingly purchases or sells ~~a part for~~ any human, fetal or
23 embryonic organs or parts for research, commercial use,

1 transplantation or therapy ~~if removal of a part from an~~
2 ~~individual is intended to occur after the individual's~~
3 ~~death~~ commits a felony punishable by imprisonment for not
4 less than one (1) year nor more than five (5) years, a fine
5 of not less than ten thousand dollars (\$10,000.00) nor more
6 than fifty thousand dollars (\$50,000.00) , or both.

7
8 (b) A person may charge a reasonable amount for the
9 removal, processing, preservation, quality control,
10 storage, transportation, implantation or disposal of ~~a part~~
11 organs or parts.

12
13 (c) This prohibition does not apply to replenishable
14 body parts like hair or blood not elsewhere prohibited.

15
16 **35-6-107. Forms for reporting abortions.**

17
18 (a) The state office of vital records services shall
19 establish an abortion reporting form which shall be used
20 after May 27, 1977 for the reporting of every abortion
21 performed or prescribed in this state. The form shall
22 include the following items in addition to such other
23 information as may be necessary to complete the form, but

1 in no case shall information be required that would tend to
2 disclose the identity of any individual participating in an
3 abortion:

4

5 (vii) The county and state of residence of the
6 pregnant woman.

7

8 (c) Any person who willfully and knowingly fails to
9 comply with W.S. 35-6-107(b), who makes any false statement
10 in a form required under this section or who supplies false
11 information intending that the information be used in the
12 preparation of any required form shall be punished by a
13 fine of not more than five hundred dollars (\$500.00),
14 imprisoned not more than six (6) months, or both.

15

16 **35-6-108. Compilations of abortions; matter of**
17 **record; exception.**

18

19 The state office of vital records services shall prepare
20 and after May 27, 1977 keep on file for seven (7) years
21 compilations of the information submitted on the ~~abortion~~
22 ~~reporting~~ forms required under W.S. 35-6-107. The
23 compilations shall be available only to a local, state or

1 national public health official. ~~or a physician upon his~~
2 ~~written request~~ The state office of vital records shall
3 annually summarize and publish the information at a level
4 that prevents personal identification of the involved
5 parties. The state health officer, ~~in order~~ to maintain and
6 keep such compilations current, shall file with the reports
7 any new or amended information. ~~The information submitted~~
8 ~~under W.S. 35-6-107 and compiled under this section shall~~
9 ~~not be stored in any computer.~~

10

11 **Section 2.** W.S. 35-1-106 is repealed.

12

13 **Section 3.** This act is effective July 1, 2017.

14

15

(END)